

James Centobene, J-17051
P.O. Box 705, RB-201L
CTF - North Facility
Soledad, CA 93960-0705

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June 12, 2008

JUN 16 2008

Clerk's Office of the
United States District Court
Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102

Re: In Forma Pauperis
Centobene v. Schwarzenegger
CV 08-2708 WHA (PR)

RICHARD W. [unclear]
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Dear Clerk of the Court:

According to the Clerk's Order, I am filing an In Forma Pauperis application. (Being sent separately via the Trust Office; see attached order.)

HOWEVER, I do not qualify for in forma pauperis status. That is why I submitted a Declaration regarding my filing fees. I have provided a sworn statement showing that on May 14, 2008 -- OVER A MONTH AGO -- I submitted an approved request to the Trust Office to have a money order issued for \$350.00 for the filing fees in this action. (See the Declaration, on file.) It is not my fault that the prison administration -- WHO IS A DEFENDANT IN THIS ACTION -- has not issued a money order on my behalf.

In my Declaration I specifically ask the Court to issue an Order for the \$350.00 filing fees. I did that for just this reason -- The DEFENDANT won't pay my filing fees.

I am requesting a T.R.O. and a preliminary injunction in this action. This request is, obviously, time sensitive. Yet I can't get the Court to rule on it because your office won't present my papers to the Court until you receive my filing fees. In my Declaration, I specifically ask the Court to allow this matter to proceed as if prepaid (while the filing fees were separately ORDERED to be paid by the DEFENDANT).

I mean seriously, the purpose of requiring a certified Trust Statement is to prevent prisoners from filing a false declaration in order to AVOID paying the filing fees that they are otherwise liable for. I, ON THE OTHER HAND, fully admit that I have the funds to pay the filing fees; I just can't get THE DEFENDANT to issue my money order.

SO I AM ASKING YOU, PLEASE FORWARD MY PAPERS TO THE JUDGE. My T.R.O./Preliminary Injunction must be heard. I should not be denied access to the Court because THE DEFENDANT controls my funds.

Thank you for your time and consideration.

Sincerely,



James Centobene

NOTE: I submitted my Trust Withdrawal Order for the filing fees two and a half weeks before this action was filed to allow the Trust Office time enough to prepare a money order; it is still not done. Over the past month, I have wrote this office three times advising the clerk that a money order on my behalf may have arrived that wasn't properly identified; apparently, it still hasn't arrived. Finally, two weeks ago I contacted the Trust Office asking them what happened to my money order; they still haven't responded. I've gone above and beyond what should be expected of me; PLEASE PRESENT MY PAPERS. Thank you.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

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08 MAY 29 PM 2:32
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Dear Sir or Madam:

Your complaint has been filed as civil case number _____

WHA (PR)

✓ A filing fee of \$350.00 is now due. If you are unable to pay the entire filing fee at this time, you must sign and complete this court's Prisoner's In Forma Pauperis Application in its entirety. If the application is granted, you will not have to prepay the fee, but it will be taken out of income to your prisoner account in installments.

Your complaint is deficient because you did not pay the filing fee and:

1. _____ you did not file an In Forma Pauperis Application.

2. ✓ ^{DECLARATION} the In Forma Pauperis Application you submitted is insufficient because:

✓ _____ You did not use the correct form. You must submit this court's current Prisoner's In Forma Pauperis Application.

_____ Your In Forma Pauperis Application was not completed in its entirety.

_____ You did not sign your In Forma Pauperis Application.

✓ _____ You did not submit a Certificate of Funds in Prisoner's Account completed and signed by an authorized officer at the prison.

_____ You did not attach a copy of your prisoner trust account statement showing transactions for the last six months.

_____ Other _____

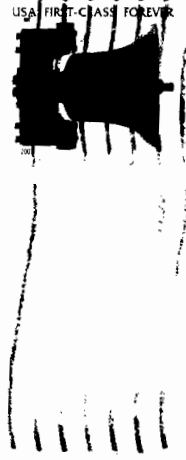
Enclosed you will find this court's current Prisoner's In Forma Pauperis Application, which includes a Certificate of Funds in Prisoner's Account form, and a return envelope for your convenience.

Warning: YOU MUST RESPOND TO THIS NOTICE. If you do not respond within **THIRTY DAYS** from the filing date stamped above, your action will be **DISMISSED**, the file closed and the entire filing fee will become due immediately. Filing a Prisoner's In Forma Pauperis Application will allow the court to determine whether installment payment of the filing fee should be allowed.

Sincerely,
RICHARD W. WIEKING, Clerk,

By _____
Deputy Clerk

James Centobene, J-17051
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LEGAL MAIL

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